

March 13, 2002

MEMORANDUM TO: Theodore R. Quay, Chief
Equipment and Human Performance Branch
Division of Inspection Program Management
Office of Nuclear Reactor Regulation

FROM: David C. Trimble, Chief */RA/*
Operator Licensing and Human Performance Section
Equipment and Human Performance Branch
Division of Inspection Program Management
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF THE FEBRUARY 21, 2002, PUBLIC MEETING TO
DISCUSS THE DEVELOPMENT OF A PROPOSED WORKER FATIGUE
RULE

On February 21, 2002, the staff held a public meeting to discuss the development of a rule that will assure that personnel performing safety-related functions at nuclear power plants are not impaired by fatigue. Participants in the meeting (see Attachment 1) included representatives from the Electric Power Research Institute, the Institute for Nuclear Power Operations, the International Brotherhood of Electrical Workers, the Nuclear Energy Institute, the Professional Reactor Operator Society, the Union of Concerned Scientists, individual utilities, and members of the public. The meeting was conducted in accordance with the agenda contained in Attachment 2. The staff provided an overview of the current regulatory framework, the proposed rulemaking option, and the guidance contained in the staff requirements memorandum that provided the Commission's approval for development of the rule. The staff's presentation materials are provided as Attachment 3.

The afternoon session of the meeting was dedicated to obtaining stakeholder comments regarding their principal concerns with the proposed rulemaking approach (i.e., Option 2) and developing plans to address and resolve these concerns. The majority of the stakeholders identified the thresholds for initiating work hours controls and the scope of personnel to be covered by the proposed regulation as the priority areas for discussion and resolution. Additional questions, comments, and recommendations expressed by one or more of the participants are summarized in the following list.

Objective and Basis for Proposed Rule

- What are the problems with the current regulatory framework that the staff is seeking to address?
- The proposed rulemaking may not have impact on an individual's fatigue level because what workers do on their off time and when they come back are the most important factors affecting fatigue.

- Many of the actions that would be required by the proposed rule are currently implemented at some sites as good practices.

Assessments

- What type and extent of assessment will be required to authorize work hours above the thresholds?
- What will occur after an assessment, including what type of compensatory measures can management use to complete work?
- Allowing an individual to work that is assumed to be "impaired" may have unacceptable implications for public confidence.

Training

- Consider combining worker, escort, and supervisor training for fatigue-related training requirements.

Outages

- The proposed rule should establish requirements that recognize outages as unique circumstances.

The staff agreed to establish a web site concerning the rulemaking that would provide access to the draft language for the proposed rule and a means for commenting on the draft language. The staff also agreed to make teleconferencing or video conferencing capabilities available at future meetings. The participants set April 19, 2002, as the date for the next public meeting to discuss the rulemaking. The staff agreed to provide a presentation at the next meeting that will address the technical basis for any change in work hour thresholds from the existing policy statement guidelines.

Attachments: as stated

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Public Meeting to Discuss Development of a Proposed Rule Concerning
Worker Fatigue at Nuclear Power Plants

February 21, 2002

Attendance List

NAME	AFFILIATION
Dave Lochbaum	Union of Concerned Scientists
Barry Quigley	Self
Craig K. Seaman	APS
Joe Hauth	Battelle
Will Paul	IBEW
Kevin Davison	PSEG
James Davis	NEI
Lane Hay	Bechtel
David Desaulniers	NRC
John Fee	SCE
Gerald Ellis	Exelon
Reginald G. Rose	Entergy
David Ziebell	EPRI
Sandra Frattali	NRC
Theodore Quay	NRC
William Dean	NRC
Clare Goodman	NRC
Jenny Weil	McGraw - Hill
Geary S. Mizuno	NRC
Robert Meyer	Professional Reactor Operator Society
Darrel Drobnich	National Sleep Foundation
Deann Raleigh	US Sciencetech
Roger Huston	Licensing Support Services
NAME	AFFILIATION

Jerry McMahon	AEP-Cook Nuclear
J. Persensky	NRC
David Trimble	NRC
Val Barnes	PSHA
Bob Evans	NEI
Bryan Dolan	Duke Energy
Ralph Mullis	Progress Energy
Martin Humphrey	FENOC
David Igyarto	INPO

Public Meeting to Discuss Development of a Proposed Rule Concerning
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February 21, 2002

Agenda

Morning Session (O-6B4)

- 8:30 - 9:00 Introductions and Opening Remarks
- 9:00 - 9:30 Current Regulatory Framework
- 9:30 - 10:30 Proposed Option 2
- 10:30 - 10:45 Break
- 10:45 - 11:15 Staff Requirements Memorandum
- 11:15 - 11:30 Products and Schedule
- 11:30 - 12:30 Lunch

Afternoon Session (O-16B4)

- 12:30 - 2:15 Stakeholder Comment on Key Issues
- 2:15 - 2:30 Break
- 2:30 - 3:30 Future Activity Planning